

Appl. No. 09/803,256
Response dated Nov. 25, 2005
Reply to Office Action of July 25, 2005
Docket No. 6169-181

IBM Docket No. BOC9-2000-0040

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of July 25, 2005 (Office Action). This response is filed after the 3-month shortened statutory period, and as such, a retroactive extension of time is hereby requested. The Examiner is authorized to charge all appropriate fees to Deposit Account 50-0951.

Claims 1-7, 9-23 and 25-29 were rejected at page 7 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,490,443 to Freeny, Jr., (hereinafter Freeny) in view of U.S. Patent No. 6,498,180 to Borgstahl, *et al.* (hereinafter Borgstahl) and in further view of U.S. Patent Publication No. 2003/0061271 to Pittarelli (hereinafter Pittarelli). Claim 8 was rejected at page 21 under 35 U.S.C. § 103(a) as being unpatentable over Freeny and Borgstahl in further view of U.S. Patent No. 6,577,720 to Sutter (Sutter).

Applicants have amended independent Claims 1, 12, and 18 to emphasize certain aspects of Applicants' invention. Applicants also present Claim 30 herein to further emphasize certain aspects of the invention. The amendments and newly-presented claim are fully supported throughout the Specification, and no new matter has been introduced by the amendments. (See, e.g., Specification, p. 4, lines 11-26; p. 9, lines 10-15; and p. 15, lines 5-6.)

I. Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One aspect of the invention is the providing of electronic services to a wireless device. This aspect of the invention can include configuring a kiosk to provide electronic services over short-range radio communications links to

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wireless devices in a personal area network (PAN). The kiosk can also be configured to communicate over a physical communications link. A short-range radio communications link with a wireless device can be established in the PAN. Selected applications, moreover, can be retrieved for performing the requested electronic services, the applications being obtained via an existing physical communications link medium. A further aspect of the invention includes delivering a capability for performing the requested electronic services to the wireless device. The capability, moreover, can be provided by conveying over the short-range radio communications link, a retrieved application configured for execution in the wireless device, or by executing the application in the kiosk.

II. The Claims Define Over The Prior Art

As already noted, independent Claims 1, 12, and 18 were rejected as unpatentable over Freeny in view of Borgstahl and Pittarelli. Applicants respectfully submit that the references, alone and in combination, fail to teach or suggest every feature of independent Claims 1, 12, and 18, as amended.

Freeny is directed to a "pico pay phone system" that allows multiple wireless device to "access a single pay phone or other public kiosk communication unit." (Col. 1, lines 16-22; see also Abstract.) Freeny allows the user of a wireless device to place calls to "requested parties," securely access an ATM or similar automatic machine, or receive an e-mail or stock quote. (See, e.g., Col. 5, lines 53-66; Col. 9, line 65 - Col. 10, line 40; and Col. 18, lines 24-27.)

In its various embodiments, Freeny is explicitly described as providing access to certain types of services. In this sense Freeny is essentially a communications bridge. Freeny acts as the conduit by which the user of a wireless device can connect to called parties, access certain types of devices, or retrieve data such as an e-mail or stock quote.

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Freeny fails, however, to teach or suggest delivering a capability for performing requested electronic services to a wireless device in a PAN. It follows, therefore, that Freeny further fails to teach or suggest delivery of such capability by conveying over the short-range radio communications link a retrieved application configured for execution in the wireless device. Freeny likewise fails to teach or suggest the delivery of a capability for performing a requested electronic service by executing a retrieved application in the kiosk.

Freeny speaks to providing "services" to customers over the customers' "cell phones," but nowhere suggests providing applications configured for execution by the cell phones. (Col. 18, lines 19-28.) Freeny briefly notes that "other services such as e-mail, stock quotes, etc. could be provided to customers for very nominal fees over the cell phones," but does not imply that applications for providing such services are supplied to cell phones or executed by a kiosk.

By contrast to Freeny's merely providing a cell phone user with access to an e-mail or electronic service, Applicants' invention can provide a wireless device with the actual application that provides a particular electronic service. Specifically, as noted in the Specification, Applicants' invention can deliver an application so that the application is executed not at a remote site but rather in the wireless device itself, according to one aspect of the invention. (See, Specification, p. 4, lines 7-13.) One advantage is that a wireless device with limited storage capacity need not retain the particular application between uses, but need only obtain it via the kiosk on an as-needed basis. For example, a traveler using a constrained-memory laptop with wireless access capabilities could, while being wirelessly connected to a kiosk, obtain a particular application. Later, even though no longer wirelessly connected, the traveler could utilize the application. Subsequently, when the application is no longer needed, the traveler could discard the application to free up limited memory space in the laptop.

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In a portion of Freeny cited at page 14 of the Office Action, Freeny describes a wireless base station having both multiple channel and time-division multiplexing capabilities. (Col. 1, lines 37-39.) In another cited portion, Freeny describes the front end of a wireless device capable of receiving "a request authorization code." (Col. 6, lines 48-67; see also FIG. 3.) In yet another cited portion, Freeny describes that wireless devices include, for example, mobile computers, palm pilots, and similar such devices that provide selectable control functions for navigating through a transaction such as a customer bank balance request. (Col. 9, lines 5-62.) In none of these portions, nor any others, however, does Freeny teach or suggest the specific feature recited in Claims 1, 12, 18, as amended, and in newly-presented Claim 30, of providing to a wireless device an application configured to be executed on the device itself.

With respect to newly-presented Claim 30, a method of providing electronic services to a wireless device includes delivering a capability for performing electronic services to the wireless device in a PAN by conveying over a short-range radio communications link a retrieved application. As expressly recited in the claim, the application conveyed from the kiosk to the wireless device is configured for execution in the wireless device itself.

Freeny nowhere remotely suggests delivering a capability for performing a requested electronic service to a wireless device in a PAN either by conveying over a short-range radio communications link a retrieved application configured for execution in the wireless device or performing a retrieved application in a kiosk. Moreover, neither Borgstahl nor Pittarelli suggest these features lacking in Freeny.

Borgstahl is directed to a "personal information system," which as explicitly described is a "personal kiosk system and a personal presence identifier." (Col. 11, line 63 - Col. 12, line 24; see also Abstract.) The system generally, and the kiosk specifically, is intended to facilitate networking through an exchange of "needs and capabilities" specifications. Borgstahl, however, does not remotely suggest delivering a capability for

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performing a requested electronic service to a wireless device in a PAN either by conveying over a short-range radio communications link a retrieved application configured for execution in the wireless device, or by performing a retrieved application in a kiosk, as recited in each of the amended independent claims and newly-presented Claim 30.

Pittarelli, is directed to a system for information distribution and communications across geographical locations using a plurality of kiosks and at least one central server station. (See, e.g., paragraph 0018; see also Abstract.) Pittarelli discloses the kiosk being updated by downloading from the central server data relating to multiple real estate listings, but nowhere does Pittarelli suggest delivering a capability to a wireless device in a PAN by wirelessly conveying an application to the wireless device or executing a retrieved application in the kiosk, as recited in amended Claims 1, 12, and 18, as well as in newly-presented Claim 30.

Applicants respectfully assert that, whereas none of the references, alone or in combination, teach or suggest every feature of the amended claims or newly-presented Claim 30, the claims define over the prior art. Applicants further respectfully assert that whereas each of the remaining claims depends from one of the amended claims while reciting additional features, these claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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